

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO. 1956 OF 2004 AND WRIT PETITION NO. 19893 OF 2004

WRIT APPEAL NO : 1956 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
01/11/2004 in WP NO : 19893 OF 2004 on the file of the High Court.)

Between:

M/s Durga Nursery, A Partnership Firm

Rep. by its Managing Partner and Caretaker,
Shaik Meeran, Annadanasamajam Road,
Governorpet, Vijayawada-2 Krishna District.

..... APPELLANT

AND

1. The Chief Engineer, Major Irrigation, Erramanzil, Hyderabad.
- 2 The District Collector Krishna District at Machilipatnam.
- 3 The Mandal Revenue Officer (Urban) Vijayawada.

.....RESPONDENTS

For the Appellant: MR.S.M.SUBHAN, Advocate.

For the Respondents: GP FOR REVENUE

WRIT PETITION NO : 19893 of 2004

Between:

M/s. Durga Nursery, A Partnership Firm

Rep. by its Managing Partner & Caretaker,

Shaik Meeran, Annadanasamajam Road,

Governorpet, Vijayawada-2, Krishna District.

..... PETITIONER

AND

1. The Chief Engineer, Major Irrigation Erramanzil, Hyderabad.
- 2 The District Collector, Krishna District at Machilipatnam.
- 3 The Mandal Revenue Officer (Urban) Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly a Writ of Mandamus, declaring the action of the respondents herein in not considering the representation filed by the petitioner on 8-9-2004 and the proceedings in Rc. A921/2000 dated 12-11-2001 issued by the third respondent as illegal and ultra vires to the provisions of Article 14 of the Constitution of India besides being arbitrary, capricious and colourful exercise of power and violative of the Principles of Natural Justice.

For the Petitioner: MR. S.M.SUBHAN, Advocate.

For the Respondents: GP FOR REVENUE

The Court made the following Judgment: (per Sri B. Sudershan Reddy, J)

Learned counsel for the appellant – writ petitioner seeks leave of this Court to withdraw the writ petition as well as the writ appeal with liberty to avail the remedies that may be available to the appellant – writ petitioner in law.

Leave is accordingly granted. The observations made while disposing of the writ petition shall have no bearing upon the remedies to be availed by the appellant – writ petitioner in view of the fact that the writ petition itself is dismissed as withdrawn.

The Writ Appeal and the Writ Petition shall accordingly stand dismissed as withdrawn.

(B. Sudershan Reddy, J)

13-12-2004

(C.V. Ramulu, J)

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To

1. The Chief Engineer, Major Irrigation, Erramanzil, Hyderabad.
- 2 The District Collector Krishna District at Machilipatnam.
- 3 The Mandal Revenue Officer (Urban) Vijayawada.
4. Two CCs to the Government Pleader for Revenue, High Court of Andhra Pradesh, Hyderabad (OUT).
5. Two CD copies.